

FILED  
CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004 MAR -5 P 6: 56

UNITED STATES OF AMERICA, ) CRIM. NO. 04-30002-MAP  
) U.S. DISTRICT COURT  
vs. ) DISTRICT OF MASS.  
)  
)  
PAUL CALCASOLA and )  
ELISABEL RIVAS, )  
)  
Defendants. )

**PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)**

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. The parties agree that no relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3.

2. The defendants have not requested discovery under FRCP 16(a)(1)(G). Defendants agree to provide reciprocal discovery under FRCP 16(b)(1)(C) if the defendants decide to use an expert witness in this case.

3. The parties expect to provide additional discovery in the future. The Government sent its automatic discovery letters to the defendants. To date, one defendant has made an

appointment to inspect and/or copy materials.

4. The parties agree that a motion date should not be set under FRCP 12(c).

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Twenty-eight days of excludable delay occurred from the last arraignment, which occurred on February 9<sup>th</sup>, 2004 for defendant Rivas, through and including March 8<sup>st</sup>, 2004, pursuant to Local Rule 112.2(A)(2).

Therefore, seventy days will remain on the Speedy Trial Clock as of March 9<sup>th</sup>, 2004, the day of the status conference. This means that the present case must be tried by May 18<sup>th</sup>, 2004.

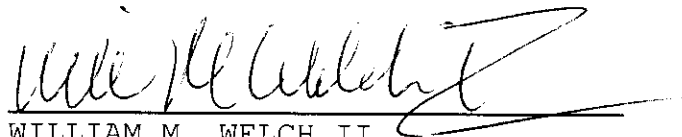
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of one and a half weeks.

7. The parties recommend another interim status conference in early May, 2004. Counsel for defendant Calcasola and for the United States will be involved in a trial commencing on March 29, 2004. That trial is estimated to last three weeks.

Filed this 5<sup>th</sup> day of March, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney



WILLIAM M. WELCH II  
Assistant United States Attorney

For defendant Paul Calcasola:



C. JEFFREY KINDER, ESQ.  
Counsel for defendant Calcasola

For defendant Elisabel Rivas:

---

JUDITH KNIGHT, ESQ.  
Counsel for defendant Rivas

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
March 5, 2004

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

C. Jeffrey Kinder, Esq.  
64 Gothic Street  
Northampton, MA 01103

Judith C. Knight, Esq.  
342 Main Street  
Great Barrington, MA 01230

A handwritten signature in black ink, appearing to read "Will Welch II", written over a horizontal line.

WILLIAM M. WELCH II  
Assistant United States Attorney